UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,635	08/29/2001	Nader Asghari-Kamrani		5599

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EXAMINER
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ART UNIT	PAPER NUMBER
2132	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	09/940,635	ASGHARI-KAMRANI ET AL.
	Examiner	Art Unit
	Abdulhakim Nobahar	2132

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 December 2006*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2 and 4-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 2, 4-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to applicants' response filed on 12/15/2006.

2.   Claims 1, 2 and 4-20 pending.

3.   Claims 8-20 newly added.

4.   Applicant's arguments have been fully considered but they are not persuasive.

Response to Arguments

1.   Applicants on page 7, lines 4-6 of the remarks argue that Berg does not teach

wherein the User does not require use of software received from the Central-Entity to

employ digital identity that includes a dynamic, non-predictable and time dependent

SecurCode as set forth in claim 1.

The examiner respectfully disagrees and asserts that Berg discloses "Once the

identity of a user is verified, the JV Authority sends information regarding the verified

user to a Registration Authority that can register the verified user and request security

credentials or a unique identifier, such as, a digital certificate, from a Credential Issuing

Authority. Alternatively, the Credential Issuing Authority can generate a password or

other unique identifier for a verified user in order to facilitate subsequent interaction

with trading counterparts. In accordance with the instant invention, the JV Authority,

Registration Authority and Credential Issuing Authority can all comprise a single entity

(see, for example, paragraph [0007]-[0008])." Thus, an authority (corresponding to the

recited Central-Entity) issues for a verified registered user a digital certificate

(corresponding to the recited SecurCode or digital identity), which is unique

(corresponding to the recited no-predictable). Berg further discloses "the digital

certificate can be single use, time-based or marketplace only in nature (see, for

example, paragraph [0040] and [0064])." A single use, time-based digital certificate

corresponds to the recited dynamic, time dependent digital certificate. Moreover, Berg

does not disclose anywhere that software is required to employ the issued unique

identifier or the digital certificate. The fact that Berg discloses "Security credentials can

also include a roaming security credential, roaming unique identifier or roaming digital

certificate, that can be downloaded and temporarily stored on any computer being used

by a user in order to verify its identity and facilitate subsequent interaction with trading

counterparts in an online marketplace" does not indicate that software is required to

use the digital certificate. Additionally, Beg discloses "The system and method of the

instant invention requires only a minimal level of skill to utilize (see, for example,

paragraph [0028]-[0029])." This indicates that no modification of a computer system or

the use of software is required. Applicants only disclose "In addition to offering security

and privacy to the users, the new system has to be simple for businesses to adopt and

also doesn't require the financial institutions to change their existing systems (see page

4, first paragraph of the specification)", which is the same a what Bergs discloses.

Nowhere else in the applicants disclosure is found to disclose that the user does not

require use of software to employ digital identity.

2.   Applicants on page 7, lines 19-20 and on page 8, lines 9-10 of the remarks argue

that Berg does not teach "the seller forwards digital identity received from the user to

the Central-Entity" and "nowhere does Berg teach or even suggest the buyer providing

his security credentials to the seller."

The examiner respectfully disagrees and asserts that Berg discloses

"Alternatively, the Credential Issuing Authority can generate a password or other

unique identifier for a verified user in order to facilitate subsequent interaction with

trading counterparts and once the identity of a buyer, seller or marketplace is verified

and its security credentials established and evinced by, for example, assignment of a

digital certificate, the security credentials can be exchanged among users so that

trading counterparts can have proof of one another's identities. The security credential

or digital certificate exchanged among users can be processed by the Joint Venture

Authority and/or Credential Issuing Authority databases in order to perform identity

verification (see paragraph [0007]-[0008])."

3.   The examiner, however, in light of the above submission maintains the previous

rejections while considering the amendments to the claims as follows:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 4-20 are rejected under 35 U.S.C. 102(e) as being

anticipated by Berg et al [2002/0188481 A1; hereinafter Berg].

1.   Regarding claim 1, Berg discloses a method for identifying an individual over a

communication network (see, for example, abstract) comprising:

        a User that needs to be identified in e-commerce (see, for example, [0011]);

        a Central-Entity that provides digital identity, including a dynamic, non-

predictable and time dependent SecureCode, to the Users to positively identify

themselves in e-commerce (see, for example, [0007]-[0008]; [0015]; [0017]; [0040];

[0064], where the JV Authority corresponds to the recited central-entity that assigns to

the user an unique identifier);

        an external-entity offering goods or services and needs to authenticate the users

in e-commerce (see, for example, [0027]; [0032]; [0034]);

        a communication network for the User, the central-entity and the external-entity

to send and receive information between each other (see, for example, [0051]).

        whereby the External-Entity may forward digital identity received from the User to

the Central-Entity for authenticating the User's identity (see, for example, [0007]-[0008];

[0067]-[0068]); and

        wherein the User does not require use of software received from the Central-Entity or a

personal identity card to employ digital identity (see, for example, [0027]; [0028]-[0029]; [0051];

[0067]-[0068]).

2.   Regarding claim 2, Berg discloses a digital identity includes a combination of the

SecureCode and user-specific information (see, for example, [0037]).

3.   Regarding claim 3, Berg discloses that the SecureCode is a dynamic, non-predictable and

time dependent alphanumeric code, secret code, PIN or other code (see, for example, [0040];

[0041]; [0064]).

4.   Regarding claim 4, Berg discloses a communication network includes Internet,

wireless and private networks (see, for example, [0010]; [0034]; [0063]).

5.   Regarding claims 5, 8 and 9, these claims are rejected as applied to the like

elements of claims 1-4 as stated above and further the following:

Berg discloses a system and a method for identifying an individual (see, for

example, abstract) comprising the steps:

The user registers at the Central-Entity (see, for example, [0063]);

A user creating an account with a trusted Central-Entity, the-Central-Entity

providing the user with a unique Usemame and Password (see, for example, [0007];

[0018]; [0037]);

The user provides his personal and/or financial information to the Central-Entity

(see, for example, [006]; [0055]; [0063]);

The user receives his unique UserName and Password from the Central-Entity

(see, for example, [0018]; [0063]);

The user attempts to get access to a restricted web site or to buy goods and/or services from an External-Entity (see, for example, [0011]; [0018]; [0051]);

The user submits his SecureCode as part of the digital identity in response to External-Entity's request (see, for example, [0007]; [0011]; [0018]; [0051]);

The External-Entity forwards the user's digital identity along with the identification and authentication request to the Central-Entity over a communication network (see, for example, [0007]; [0065]; [0067]-[0068]);

The Central-Entity retrieves the user's digital identity including the SecureCode from the system (see, for example, [0015]; [0054]-[0055]);

The Central-Entity compares the retrieved users digital identity with the digital identity received from the External-Entity (see, for example, [0011]; [0015]; [0051]; [0064]-[0065]);

The Central-Entity sends approval identification and authorization message to the External-Entity when the digital identity forwarded to the Central-Entity, matches the users digital identity retrieved from the system (see, for example, [0065]; [0067]-[0068]);

The Central-Entity sends a denial identification and authorization message to the External-Entity when the digital identity forwarded to the Central-Entity does not match the users digital identity retrieved from the system (see, for example, [0067]-[0068]).

6.   Regarding claims 6 and 7, Berg discloses that the Central-Entity corresponds to a financial institution, and the User receives the digital identity from the financial institution (see, for example, [0006]-[0007]; [0063]).

7.   Regarding claims 10 and 11, Berg discloses:

The method according to claim 8,further including the user submitting their digital

identity to the External-Entity for positive identification, access to a restricted web site

and payment (see, for example, [0005]; [0012]; [0034]; [0036]).

8.   Regarding claims 12 and 14, Berg discloses:

The method according to claim 8, further including the External-Entity positively

identifying-the user by submitting the digital identity to the Central-Entity for approval

(see paragraph [0007]-[0008]).

9.   Regarding claims 13, 16 and 17, Berg discloses:

The method according to claim 8, wherein the Central Entity corresponds to a

financial institution, and the User receives the digital identity from the financial institution

(see paragraph [0006]).

10.   Regarding claims 18-20, Berg discloses:

The method of claim 2, where the unique UserName includes an identification

phrase (see paragraph [0006]; [0037]; [0064]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdulhakim Nobahar whose telephone number is 571-272-3808. The examiner can normally be reached on M-T 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Abdulhakim Nobahar
Examiner
Art Unit 2132

February 4, 2007

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